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April 8, 2020

***Via ECF***

The Honorable Lee H. Rosenthal  
United States District Courts  
515 Rusk Street  
Houston, Texas 77002

Re: *Russell, et al. v. Harris County, Texas, et al.*, 4:19-cv-226, Southern District of Texas

Dear Chief Judge Rosenthal:

We write to update the Court about three items. First, pursuant to the Court's request, we have provided a copy of the Advisory filed on April 3, 2020 to each Harris County Criminal District Court. Because email addresses for the specific District Judges do not appear to be publicly available, we sent the Advisory to each court coordinator as well as a staff attorney for the judges.

Second, I have confirmed that nobody from this Office has threatened any judges over EO-GA-13 as Plaintiffs' counsel erroneously claimed at the hearing.

Third, attached hereto are the two recent Fifth Circuit cases discussed at the conclusion of the hearing. The first is *Cruson, et al. v. Jackson National Life Insurance*, No. 18-40605 (5th Cir. March 25, 2020) (pertaining to class certification). The second is *In re Greg Abbott, et al.* No. 20-50264 (5th Cir. April 7, 2020) (granting a writ of mandamus and vacating a temporary restraining order). As the Court will see, the Fifth Circuit's analysis did not involve abstention, but instead focused on the significant deference owed to State action and the appropriate framework for examining a constitutional challenge during a disaster.

Chief Judge Rosenthal

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Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by 'A' and 'B' in a cursive script, all enclosed within a large, loopy oval shape.

Adam Arthur Biggs  
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